

2000/19. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1999/19 of 23 April 1999, in which it decided to appoint a special representative of the Commission to monitor the situation of human rights in Equatorial Guinea,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling that Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights,

Recalling also Economic and Social Council decision 1993/277 of 28 July 1993 and previous resolutions of the Commission on the subject, starting in 1979,

Recalling further that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations and welcoming the will of the Government of Equatorial Guinea to cooperate with the Office of the United Nations High Commissioner for Human Rights,

Recalling that cooperation in the field of human rights, as one of the objectives of the Charter, should be guided by the principles of efficiency and transparency, of coordination of all activities for the promotion and protection of human rights within the United Nations system, and of complementarity of technical assistance services with human rights monitoring services, as laid down in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Welcoming the recommendation made by the Special Representative that technical assistance to Equatorial Guinea be organized in order to develop and to carry out a national human rights plan of action and stressing that some of his recommendations could be implemented without the need for technical assistance,

Recalling the political will repeatedly expressed by the Government of Equatorial Guinea to continue to make progress in the situation of human rights and fundamental freedoms and its pledge to take definitive steps in this direction, as a priority in its programme of good governance,

Noting, however, the continuing existence of deficiencies and conditions that lead to violations and abuses of human rights,

1. *Expresses its gratitude* to the Special Representative of the Commission on Human Rights to monitor the situation of human rights in Equatorial Guinea and welcomes his report (E/CN.4/2000/40), as well as the assistance which the authorities of Equatorial Guinea extended to him during his visit to the country in November 1999;

2. *Encourages* the Government of Equatorial Guinea to adopt quick and effective measures in order to comply with the recommendations made by the Commission and the Special Representative, as detailed in his report, such as the following measures:

(a) To guarantee full enjoyment of the freedoms of movement and association by introducing new laws, where appropriate, or amending existing ones, on the right to physical integrity, including by putting an end to torture, and of the right to human dignity of detainees by ensuring adequate sanitary conditions for them and by ordering, *inter alia*, an end to the practice of detentions without judicial warrant and by prosecuting those responsible for such violations;

(b) To ensure full enjoyment of the freedom of information, the freedom of opinion and expression and the right to a free press;

(c) To guarantee the principle of the rule of law, through the periodic and systematic publication of legal norms;

(d) To adhere to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination and to submit the pending reports to the Human Rights Committee and to the Committee on the Rights of the Child;

(e) To safeguard the right to justice, the independence of the judiciary with respect to the executive branch and the restriction of the military jurisdiction, which should be limited strictly to military offences committed by military personnel and should not have competence with respect to civilians, and urges the Government of Equatorial Guinea to introduce legal reforms to that effect;

(f) To eliminate all forms of discrimination against women and to continue to promote their full enjoyment of human rights by taking measures such as the ending of the practice of imprisoning women for not returning their marriage dowry when they separate from their husbands, and by promoting women's right to education;

(g) To step up efforts to fulfil the commitments arising from the agreement signed with the opposition parties aimed at guaranteeing political rights, democracy and pluralism, especially with a view to the municipal elections called by the Government for 28 May 2000;

(h) To guarantee economic, social and cultural rights, including those of children and, especially, those that affect the population living in poverty, in order to realize the rights to education, to work and to a standard of living adequate for health and well-being, including food, clothing, housing and medical care;

(i) To promote and protect the rights of the child and to implement fully the Convention on the Rights of the Child;

3. *Welcomes* the stated willingness of the Government of Equatorial Guinea to implement a national human rights action plan and, for that purpose, encourages the Government to discuss and to agree on means for its early implementation, together with a comprehensive programme of technical assistance, with the Office of the United Nations High Commissioner for Human Rights;

4. *Calls upon* the specialized bodies and agencies of the United Nations, as well as donor countries and any other international institutions present in the country, to coordinate with the Office of the High Commissioner their efforts of cooperation with Equatorial Guinea in the field of human rights;

5. *Welcomes* the stated willingness of the Government of Equatorial Guinea to extend invitations to the thematic rapporteurs of the Commission and looks forward to their recommendations contributing to the implementation of the national human rights action plan;

6. *Notes with interest* the financial efforts and political will of the Government of Equatorial Guinea to establish the Centre for the Promotion of Human Rights and Democracy in Equatorial Guinea in order to strengthen the national capacity in that field;

7. *Encourages* the Government of Equatorial Guinea in its efforts to have the Centre begin functioning as soon as possible, in coordination with the Office of the High Commissioner and in cooperation with international non-governmental organizations;

8. *Calls upon* the Government of Equatorial Guinea to ensure the independence and the effectiveness of the National Commission on Human Rights, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights, and to authorize, without any undue restriction, the public registration and freedom of activity of non-governmental organizations in the field of human rights and social affairs;

9. *Also calls upon* the Government of Equatorial Guinea to ensure the independence and effectiveness of the national electoral commission, so as to guarantee fair, transparent and democratic conditions during all electoral processes and especially on the occasion of the next municipal elections;

10. *Encourages* the Government of Equatorial Guinea to invite to the country an electoral observer mission of the United Nations, and/or of impartial observers for the next municipal elections;

11. *Decides* to renew the mandate of the Special Representative for one year and requests him to monitor the situation of human rights in Equatorial Guinea and to report to the Commission at its fifty-seventh session, keeping in mind the need to apply a gender perspective in the reporting process, including in collecting information and making recommendations;

12. *Requests* the Special Representative to verify, on behalf of the Commission, that the technical assistance provided to Equatorial Guinea supports its national plan of action on human rights, based on the recommendations made since 1979 and reiterated in his report;

13. *Requests* the Secretary-General to give the Special Representative all necessary assistance to enable him to discharge his mandate fully;

14. *Decides* to continue its examination of the question of human rights in Equatorial Guinea at its fifty-seventh session.

*55th meeting
18 April 2000*

[Adopted without a vote. See chap. IX.]